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10/666,776

09/18/2003

Amit Haller

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CENTURY IP GROUP, INC. [Main]  
P.O. BOX 7333  
NEWPORT BEACH, CA 92658-7333

EXAMINER

ZEWARI, SAYED T

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

04/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/666,776

Applicant(s)

HALLER ET AL.

Examiner

SAYED T. ZEWARDI

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12-14, 17, 19-23 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-14, 17, 19-23, and 26 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 1/22/2009 have been fully considered but they are not persuasive.

2. Applicant argues that

*Rautila fails to teach or suggest all of the elements recited in the claims. In particular, Rautila fails to teach or suggest "providing the terminals in the short distance wireless network with simultaneous access to a plurality of services provided by a wide area network," as recited in claim 1,*

This argument is not persuasive. The combination of Rautila and Brassil discloses this limitation. Rautila discloses a wireless device and Brassil discloses a terminal that provides simultaneous access to a plurality of services in a short range network.

Applicant further argues that Rautila fails to teach or suggest

*"comparing the first service to a second service being accessed by a second terminal connected to the short distance wireless network;*

This argument is not persuasive. Rautila discloses a system wherein pluralities of wireless devices gain access to wide area networks (internet) through short range networks. Rautila discloses (see figure 1, 2, 4-7) that once a mobile terminal gains access, it is offered a menu of different services wherein services are compared.

Applicant further argues that Rautila fails to teach or suggest

*providing the first terminal with access to the first service, in response to determining that the first service and the second service are different, wherein*

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*the first and second terminals simultaneously access the first and second services, respectively," as recited in claim 26.*

This argument is not persuasive. The combination of Rautila and Brassil discloses these limitations. Both Rautila and Brassil disclose that plurality of mobile terminals access wide area network for services. These services and networks are clearly not provided just for one mobile terminal but multiple mobile devices simultaneously provide different services. Further Brassil discloses a terminal that provides simultaneous access to a plurality of services in a short range network.

3. Applicant argues that

*As such, Rautila directly teaches away from claim 1, as amended. Rautila teaches minimizing communication with a wide area network in order to reduce data transmission costs. Claim 1, on the other hand, is directed to expanding communication with a wide area network in order to provide terminals with simultaneous access to services provided by the wide area network.*

This argument is not persuasive. The combination of Rautila and Brassil discloses this limitation. Rautila discloses a wireless device and Brassil discloses a terminal that provides simultaneous access to a plurality of services in a short range network. Further the argument that Rautila teaches away from applicant's claim 1 is not persuasive and irrelevant. Rautila is analogous art, dealing with short range and long range wireless networks and in combination with Brassil disclose all the limitations of the claim 1.

4. Applicant argues that

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*Nowhere in the cited portions is it disclosed or even suggested that the first device and the second device simultaneously access services provided by the wide area network.*

This argument is not persuasive. First of all, an expensive wireless network whether short range or long range, is not set up for just one device only. For these networks to be of any commercial or practical value, they have to accommodate simultaneous access of multiple devices. Secondly, Rautila and Brassil disclose access of multiple mobile devices. Brassil discloses as seen below

#### SUMMARY OF THE INVENTION

The present invention provides a method of transferring data to a first communications device having a first transceiver for communication at a first data rate over a long range, and a second transceiver for communication at a second, higher data rate over a short range, the method comprising the steps of:

- (a) forming a coordinated short-range wireless network using the first communications device and at least one second communications device of a similar type;

Further Rautila also discloses multiple mobile terminals in figure 1.

5. Applicant argues that

*Brassil further discloses "a [Bluetooth] short wireless network can support up to eight simultaneous devices" and "It]he short-range wireless network uses the wireless networking technology IEEE802.11, and so can accommodate a large number of users. See column 1, lines 18-20; column 3, lines 27-30.*

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This argument is not persuasive. Use of multiple hotspot which solves that problem, is disclosed.

6. Applicant argues that

*Respectfully, the term "simultaneous," as disclosed in Brassil, refers to devices connecting to a short distance wireless network and is completely unrelated to connecting to the wide area network. Also, "accommodating a large number of users" refers to the number of devices that are able to connect to the short distance wireless network, not to the number of devices that are able to connect to the wide area network. Moreover, the mere fact that more than one user can connect to a network does not mean that they connect to the network at the same time.*

This argument is not persuasive, as responded to in the above.

7. Therefore, the applied references disclose all the limitations of the claims of the applicant and are still valid.

### ***Claim Objections***

8. Claim 26 is objected to because of the following informalities: The status of claim 26 is not correct. The applicant has noted that claim 26 is new (1/22/2009). The status of this claim can not be new because claim 26 was presented before as new. Applicant need to change the status of claim 26 from new to Amended, cross out the old limitations and underline the new limitations. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 3, 5-8, 13, 14, 17, 19-23, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila (US 6714797) in view of Brassil et al. (US 7212785).

With respect to claim 1, Rautila discloses a wireless device (**See Rautila's figure 2, col.3 lines 55-56, col.5 lines 9-22**) comprising: a logic unit connecting the device to a plurality of terminals in a short distance wireless network (**See Rautila's figure 2(210 & 230), col.5 lines 9-22, figure 1, col.2 lines 62-63, col.4 lines 13-40, lines 41-62, col.3 lines 1-38**). Rautila discloses everything claimed as applied above to claim 1, except for explicitly reciting a logic unit providing the terminals in the short distance wireless network with simultaneous access to a plurality of services in a wide area network. In analogous art, Brassil discloses a mobile terminal with logic units that provide the terminals in the short distance wireless network with simultaneous access to a plurality of services provided by a wide area network (**See Brassil's abstract, col.1 lines 5-31, 40-55, figure 1 and figure 2(3 & 5), col. 3 lines 13-31**). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Rautila by combining it with the invention of Brassil, for the

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purpose of providing a mobile terminal that is able to connect and communicate simultaneously a short range wireless network to a wide area network, as disclosed by Brassil.

With respect to claim 22, Rautila discloses a method comprising: connecting to a plurality of terminals in a short distance wireless network **(See Rautila's figure 5-6, col.6 lines 41-67, col.7 lines 1-20, see relevant info: figure 1, col.2 lines 55-56, col.3 lines 1-38, col.4 lines 13-40, lines 41-62)**. Rautila discloses everything claimed as applied above to claim 22, except for explicitly reciting providing the terminals in the short distance wireless network with simultaneous access to a plurality of services provided by a wide area network. In analogous art, Brassil discloses a mobile terminal with logic units that provide the terminals in the short distance wireless network with simultaneous access to a plurality of services in a wide area network **(See Brassil's abstract, col.1 lines 5-31, 40-55, figure 1 and figure 2(3 & 5), col. 3 lines 13-31)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Rautila by combining it with the invention of Brassil, for the purpose of providing a mobile terminal that is able to connect and communicate simultaneously a short range wireless network to a wide area network, as disclosed by Brassil.

With respect to claim 23, Rautila discloses a method wherein the providing comprises: receiving a first message from a first terminal, wherein the first message includes a first address and a first port number for accessing a first service provided by the wide area network **(See Rautila's figure 5-6, col.6 lines 41-67, col.7 lines 1-20,**



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**see relevant info: figure 1, col.2 lines 55-56, col.3 lines 1-38, col.4 lines 13-40, lines 41-62);** receiving a second message from a second terminal (**See Rautila's figure 5-6, col.6 lines 41-67, col.7 lines 1-20, see relevant info: figure 1, col.2 lines 55-56, col.3 lines 1-38, col.4 lines 13-40, lines 41-62)** , wherein the second message includes a second address and a second port number for accessing a second service provided by the wide area network (**See Rautila's figure 1, col.2 lines 55-56, col.3 lines 1-38, col.4 lines 13-40, lines 41-62)**). Rautila discloses everything claimed as applied above to claim 23, except for explicitly reciting attaching the first and second terminals to the first and second services, respectively. In analogous art, Brassil discloses a mobile terminal with logic units that provide the terminals in the short distance wireless network with simultaneous access to a plurality of services provided by a wide area network (**See Brassil's abstract, col.1 lines 5-31, 40-55, figure 1 and figure 2(3 & 5), col. 3 lines 13-31)**). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Rautila by combining it with the invention of Brassil, for the purpose of providing a mobile terminal that is able to connect and communicate simultaneously a short range wireless network to a wide area network, as disclosed by Brassil.

With respect to claim 17, Rautila discloses a method wherein the providing logic unit comprises: a logic unit receiving a first message from a first terminal, wherein the first message includes a first address and a first port number for accessing a first service from the wide area network (**See Rautila's figure 5-6, col.6 lines 41-67, col.7 lines 1-20, see relevant info: figure 1, col.2 lines 55-56, col.3 lines 1-38, col.4 lines**

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**13-40, lines 41-62)**; a logic unit receiving a second message from a second terminal, wherein the second message includes a second address and a second port number for accessing a second service provided by the wide area network **(See Rautila's figure 4, col. 5 lines 61-67, col.6 lines 1-40, see relevant information: col.2 lines 55-56, col.3 lines 1-38, col.4 lines 13-40, lines 41-62).**

Rautila discloses everything claimed as applied above to claim 17, except for explicitly reciting simultaneously attaching the first and second terminals to the first and second services, respectively. In analogous art, Brassil discloses a mobile terminal with logic units that provide the terminals in the short distance wireless network with simultaneous access to a plurality of services in a wide area network **(See Brassil's abstract, col.1 lines 5-31, 40-55, figure 1 and figure 2(3 & 5), col. 3 lines 13-31).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Rautila by combining it with the invention of Brassil, for the purpose of providing a mobile terminal that is able to connect and communicate simultaneously a short range wireless network to a wide area network, as disclosed by Brassil.

With respect to claim 26, Rautila discloses a method comprising: receiving a request from a first terminal connected to a short distance wireless network to access a first service provided by a wide area network **(See Rautila's figure 6, col.7 lines 22-67 wherein a request is sent from mobile terminal through short range network(hot spot) to internet (WAN))**; comparing the first service to a second service being accessed by a second terminal connected to the short distance wireless network **(See**

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**Rautila's figure 6, col.7 lines 22-67);** and providing the first terminal with access to the first service, in response to determining that the first service and the second service are different **(See Rautila's figure 6, col.7 lines 22-67 wherein a terminal is provided access to services)**. Rautila discloses everything claimed as applied above to claim 26, except for explicitly reciting providing the terminals in the short distance wireless network with simultaneous access to a plurality of services in a wide area network. In analogous art, Brassil discloses a mobile terminal with logic units that provide the terminals in the short distance wireless network with simultaneous access to a plurality of services in a wide area network **(See Brassil's abstract, col.1 lines 5-31, 40-55, figure 1 and figure 2(3 & 5), col. 3 lines 13-31,.)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Rautila by combining it with the invention of Brassil, for the purpose of providing a mobile terminal that is able to connect and communicate simultaneously a short range wireless network to a wide area network, as disclosed by Brassil.

With respect to claim 3, Rautila discloses a device wherein the providing logic unit comprises a table of available access point names ("APNs") **(See Rautila's figure 1, col.2 lines 55-56)**.

With respect to claim 5, Rautila discloses a device wherein the first service provides a wireless application protocol ("WAP") **(See Rautila's figure 1, col.2 lines 55-56)**.

With respect to claim 6, Rautila discloses a device wherein the services comprise access to the Internet **(See Rautila's figure 1, col.2 lines 55-56)**.

With respect to claim 7, Rautila discloses a device wherein the services comprise a hypertext transfer ("HTTP") protocol **(See Rautila's figure 1, col.2 lines 55-56).**

With respect to claim 8, Rautila discloses a device wherein the services comprise a multimedia messaging Service Center ("MMSC") **(See Rautila's figure 1, col.2 lines 55-56).**

With respect to claim 12, Rautila discloses a device wherein the communicating includes the terminal inherently transmitting an IP message including a port number **(See Rautila's figure 1, col.2 lines 55-56).**

With respect to claim 13, Rautila discloses a device wherein the wide area network is a Global System for Mobile communications ("GSM") cellular network **(See Rautila's figure 1, col.2 lines 55-56).**

With respect to claim 14, Rautila discloses a device wherein the short distance wireless network is a Bluetooth TM wireless local area network **(See Rautila's figure 2, col.2 lines 5-40).**

With respect to claim 19, Rautila discloses a device wherein the first and second addresses identify a domain providing respective predetermined privileges **(See Rautila's figure 1, col.2 lines 55-56).**

With respect to claim 20, Rautila discloses a device wherein the first address and the first port number identify a first APN, and wherein the second address and the second port number identify a second APN **(See Rautila's figure 1, col.2 lines 55-56).**

With respect to claim 21, Rautila discloses a device wherein the first and second addresses are IP **(See Rautila's figure 1, col.2 lines 55-56).**

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With respect to claim 26, Rautila discloses a computer program product wherein the logic code when executed on a computer further causes the computer to: receive a first message from a first terminal, wherein the first message includes a first address and a first port number for accessing a first service from the wide area network (**See Rautila's figure 5-6, col.6 lines 41-67, col.7 lines 1-20, see relevant info: figure 1, col.2 lines 55-56, col.3 lines 1-38, col.4 lines 13-40, lines 41-62**); receive a second message from a second terminal, wherein the second message includes a second address and a second port number for accessing a second service from the wide area network (**See Rautila's figure 4, col. 5 lines 61-67, col.6 lines 1-40, see relevant information: col.2 lines 55-56, col.3 lines 1-38, col.4 lines 13-40, lines 41-62**). However, Rautila does not specifically disclose simultaneously connecting to the first and second addresses in the wide area network by way of the first and second port numbers, respectively; and wherein the first and second terminals simultaneously access the first and second services, respectively. But Brassil discloses this limitation (**See Brassil's abstract, col.1 lines 5-31, 40-55, figure 1 and 2, col. 3 lines 13-31**). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Rautila and combine it with that of Brassil, thereby providing a method of simultaneously attaching to respective services, as disclosed by Brassil (**See Rautila's figure 1, col.2 lines 55-56, col.3 lines 1-38, col.4 lines 13-40, lines 41-62**).

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11. Claims 2, 12, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila (US 6714797) in view of well-known prior art (MPEP 2144.03).

With respect to claim 2, the above references disclose all the limitations of the claim upon which claim 2 depend. The references do not disclose attaching includes establishing a short-range LAN access profile session. However, an official notice is taken that the concept and use of a short-range LAN establishing a network session are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to provide method of establishing network connection using short-range LAN.

With respect to claim 12, the above references disclose all the limitations of the claim upon which claim 12 depend. The references do not disclose the short distance wireless network is an 802.11 wireless local area network. However, an official notice is taken that the concept and use of a short-range 802.11 networks are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to provide method of establishing network connection using short-range 801.11.

With respect to claim 4, the above references disclose all the limitations of the claim upon which claim 4 depend. The references do not specifically the devices to be a desktop computer, a laptop computer, a personal digital assistant, a headset, a pager, a pen, a printer, a watch, or a digital camera. However, an official notice is taken that the concept and use of such devices in a short range network are well known and expected

in the art. Therefore, it would be obvious to one of ordinary skill in the art to provide method of establishing these devices in a network connection.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sayed T. Zewari whose telephone number is 571-272-6851. The examiner can normally be reached on 8:30-4:30.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617

/Sayed T Zewari/  
Examiner, Art Unit 2617 April 10, 2009